

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HEALTHGUARD OF LANCASTER, INC.,	:	CIVIL ACTION
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
MARK GARTENBERG et al.,	:	
	:	
Defendants.	:	NO. 02-2611

ORDER

AND NOW, this 10th day of December, 2003, the Court having preliminarily reviewed the pleadings on the Motion for Summary Judgment, notes that the reliance on the Complaint and Answer is insufficient to either support or defeat a Motion for Summary Judgment. Having reviewed the other materials, such as the affidavits and deposition testimony, the Court requests counsel to be prepared to address the following questions at oral argument, which will be held on December 23, 2003 at 11:00 a.m. Please call chambers at 267.299.7520 for courtroom location.

1. What evidence does Plaintiff have in the record to support their definition of an enterprise?
2. Aside from the affidavits submitted by Drs. Wallace and Colditz, on what other evidence (cite to specific document and page) does Plaintiff rely to demonstrate the existence of a genuine issue for trial as to the following:
 - a. Conspiracy,
 - b. Predicate acts;
 - c. Relatedness;
 - d. Common plan;

- e. Pattern of racketeering activity;
 - f. As a result of the above noted evidence, what is the evidence that injury was suffered as a result of the activities alleged?
3. What specific Third Circuit decisions support or refute whether the evidence which Plaintiff cites is sufficient to defeat the Motion for Summary Judgment?

BY THE COURT:

MICHAEL M. BAYLSON, U.S.D.J.

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